Its Operations.

WAS NOT ARRESTED

DETECTIVES APPEARED, LOOKED WISE AND TOOK A FEW CARDS.

Defense Will Introduce as Evidence Bulletins Furnished an Afternoon Paper-Toomey Talks.

Superintendent of Police Kruger either received different orders from the powers that be in the Democratic city organization or else he changed his mind yesterday afternoon. No attempt was made to arrest Michael W. Toomey or to close the poolroom, although the former was doing bustness at the same old stand and the latter was crowded all afternoon with followers of the festive ponies.

About 3 o'clock Detective Holtz appeared, looking very mysterious. He backed up against a wall and fixed a glittering eye on the genial Mike as the latter exchanged receipts of the National District Telegraph Company for photographs of the American eagle, James A. Garfield, George Washington and other celebrities. Mike beamed benignly upon the detective from time to time, but did not appear much alarmed. In fact, business went on about the same, with perhaps even more animation than

MIKE SAVED THEM TROUBLE.

An hour later Detective Bray showed up. He took a position on the other side of the room, scrutinized the customers, examined the racing cards and made himself Both detectives refused to say what orders they had. After the horses in, even some of the favorites at St. Louis, the detectives began laboriously to copy the cards of entries along the wall. Equipped with sheets of paper and lead pencils they set to work, but Toomey himself came to their rescue.

"Never mind doing all that work," he said. "Just take those cards along with you. If I am arrested I am going to introduce them as evidence, anyway, to show that I merely provide the bulletins of races, so you might as well save me the trouble." The detectives looked nonplused and a little chagrined at the unexpected turn of affairs, but they quit their labor of copying and accepted the cards from Toomey. The cards were all the evidence

Superintendent Kruger and the detectives refuse to say what action will be taken. Wednesday Kruger threatened Toomey with arrest if the room was not closed yesterday, but the threat was not made good. Whether the arrest will be ordered to-day remains to be seen.

APPROVED BY HOLTZMAN. Yesterday afternoon Elmer Marshall, local attorney for the National District Telegraph Company, called on Mayor Holtz-

"John," said the attorney, "Do you remember that less than three years ago we employed you to examine the business of this company and to return us an opinion as to its legality, in order that we might know whether we were acting within the law?" "Yes," replied the mayor without hesita-

tion, "Yes, I remember that quite well." "Do you also remember that you made a careful examination of the way the business of the company was conducted; that you spent some time around the poolroom, as it is known, examining our bulletins, our wires, our messages, in short all the details of our business, familiarizing yourself with all of it?" "That is quite true," returned Mr. Holtz-

"I have no doubt, too," continued Attorney Marshall." that you remember that | ful little city, should give way to an imafter a careful examination of the law you returned us an opinion to the effect that our business was perfectly legal, quite within the law and entirely legitimate?"

Marshall, "when action was brought against | us, you assisted me in the defense of perus, you assisted me in the defense of per-sons connected with the National District ficers, and could not see the necessity for Telegraph Company in this city, making, | the expense of a new structure when the as I recall, very eloquent pleas for acquittal on the ground that the business of the company was entirely that of any other tated and discussed by the voters as a passable at all scasons; fields once covered justice who, railing against the delays of the course and beweiting the lack of rigor incorporated telegraph company, and campaign issue, but the County Commis-therefore entirely legal and undeserving sioners elected were always men who did quitoes and skunk cabbage, by drainage and in the law, joins in an assault upon law of prosecution. I am right in this, I believe, am I not?" "You are, Mr. Marshall. I remember all

these facts quite distinctly. "Then, John," said Marshail, "I would like to know why you are manifesting a of building a new courthouse should be left desire to put out of business a company to a special election. The election was which you yourself have declared to be legal and legitimate."

Then Mr. Holtzman "closed up" and refused to discuss the matter further, saying that it is one which concerns the police shall out politely with a suave smile, and the interview was at an end

AN INTERESTING EXHIBIT. One of the exhibits that will be placed in evidence for the defense, if the case goes to court, will be copies of the sporting edition of an afternoon newspaper. The defense will attempt to show that part of its business consists in furnishing to newspapers and individuals bulletins and other sporting events. During the summer and the fall the National District Telegraph Company, through Michael W. Toomey, manager of the local room, furnished free of charge to this afternoon newspaper the results of the races in all parts of the country every day. Messengers from the newspaper's office appeared at the poolroom every afternoon, between 5 and 6 c'clock, and were handed copies of the results made for the newspaper by the operator employed at the poolroom. These exhibits of the sporting editions, containing race returns furnished free by the National District Telegraph Company. will be one of the important details of the defense. Attorney Marshall and Mr. Toomey stated yesterday that they have complete sets of these sporting editions al-

ready prepared for evidence. I was very much surprised this afternoon," said Toomey, "when I picked up a copy of the paper in question and in looking it over discovered an editorial which rend about as follows: "The police took | that this people will not assemble again in another step in the cleaning-up process yesterday when they notified the keeper of a notorious poolroom to close up. The case will, of course, be fought. But the poolroom is bed in its influences, espedally upon young men, and it should go. Then it went on to say that 'if this poolroom had been overlooked there would

have been much criticism of the admin-"Now what do you think of that," said Mike, "from a paper that accepted the race returns from me every day without them costing it a cent? You noticed, didn't you, that they did not have a thing to say against me or my business while their pink sheet was being published, and while they were getting their best sporting news free of charge every day? That looks like throwing down an old pal, doesn't it?"

Michael's naturally blushing countenance ot a few shades redder as he discussed the ingratitude of the afternoon paper in question, but he smiled when he said: "There is this consolation about it, we will introduce their own papers in our de

bond will be Arnished, Attorney Marshall declares, and preparations will be made to

CORNERSTONE LAID.

(CONCLUDED FROM FIRST PAGE.) act of the Legislature of 1901 authorizing the special election that provided for the courthouse, records of all affairs pertaining to the building, copies of the county parecords of societies and fraternal organizations of the county, names of teachers in the county and city schools, the faculty of De Pauw University, list of city churches, names of members of the bar, history of the county, list of Mexican war veterans, photograph of John Clark Ridpath, pictures of the old and new courthouse and many other interesting documents and records incident to the occasion.

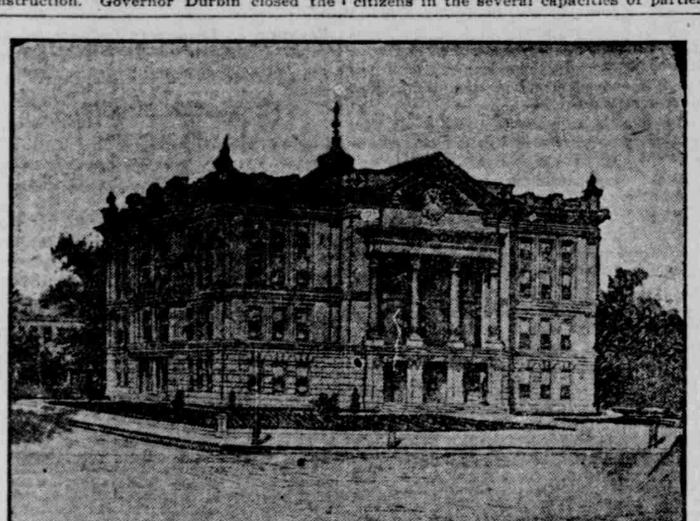
THE STONE LAID. Then the box was placed in the corner- two days. stone and the stone was lowered to its place with the customary ritualistic proceedings, including the testing of the stone with the square, lever and plumb and the pouring on it of corn, wine and oil, and Grand Marshal Glascock made the proclamation that the stone had been laid.

and presented Hon. P. O. Colliver, judge of Putnam and Clay counties, who delivered

and convened in regular term on Sept. 2. 1822, at the house of James Athey, who appears from the records to have been at that time a justice of the peace, and no doubt a very worthy man of much public spirit and enterprise. The court continued to convene at the houses of citizens until in 1827, at which time the record discloses that the court convened at the courthouse. During this period Samuel Judah, Thomas H. Blake, Charles Dewey and James Fannington were practicing attorneys. The first case on the docket was entitled 'John Hamilton vs. John Collett,' and the same was continued on application of defendant at his cost. The same entry has been made many times in the Circuit Court within the eighty years since such entry was placed on record. "The first term of court was in session two days and then adjourned to June 3, 1823,

"It is the pride and boast of the good peo-ple of this county that no man has ever been deprived of his life or liberty in our midst until by due process of law and in conformity to constitutional guarantees and provisions he has had a hearing in a court of justice if he so selected before a jury of his peers selected and sworn to well and truly try his cause, and a true verdict rendered according to the law and evidence. Chairman James then took charge again | So long as such conditions continue to exist we have just cause for congratulation. The people are responsible for the administhe thirteenth judicial circuit, composed of tration and rational enforcement of the law. No self-respecting and intelligent communan address of welcome and reviewed the ity will ever shirk or evade such respon-history of the county and the long process sibility and duty. No trial of any considof securing the new courthouse now under | erable public concern can occupy unless the construction. Governor Durbin closed the citizens in the several capacities of parties.

at which term the court again held for only



Putnam County's New Courthouse, (as it will appear when completed.)

was frequently punctuated by applause. that he regarded it not only as his privilege, but as his duty to be present on this louse, and suggested that he would be pleased to be called on to take part in simlar ceremonies in a number of other counties that are sadly in need of new county buildings. The Governor said he felt that he had had something to do with securing the new edifice for Putnam county as it had been his pleasure to sign the act of the Legislature authorizing the County Commissioners to call an election to decide the building and he told the story of how he was led to sign the bill sconer than he had intended "I recall that your chairman, Mr. James,

who at that time represented Putnam county in the lower branch of the General Assembly, brought the bill to me the moment "and laid it on my desk with the request that I sign it as soon as possible. It did not occur to me that Mr. James was in a hurry, and I tossed the bill to one side and said I would sign it as soon as I could get to it. I noticed then that Mr. James seemed disappointed, but he started to leave the room. Then an idea evidently occurred to him and he returned. 'Governor,' he said. appealingly, 'I have been a member of the House for three terms, and it has never yet been my privilege to see a Governor sign a bill.' Under the circumstances there was but one thing for me to do-I signed the bill at once. This event to-day is the

programme was interspersed with music by the Brazil and Greencastle bands consolidated, and songs by a choir of thirty voices. John P. Hillis, a well-known soloist of Greencastle, also sang Kipling's "Reces-

LONG FIGHT FOR A COURTHOUSE. The process of securing the new courthouse for Putnam county was a long and tedious one, attended by many interesting circumstances. The residents of Greencastle long ago decided with unanimity that the unsightly, ramshackle structure. long an eyesore in the heart of the beautiposing edifice in keeping with the wealth and importance of the county, but the cople in the rural districts did not take "That is also true," answered the mayor. kindly to the suggestion, and they were "Then a little later," went on Attorney in the majority. The farmers held that the old courthouse would answer all the not look with favor on the project. At last a solution was offered by John H. James, then representing the county in the Legislature. Mr. James secured the passage of a bill, providing that the question held Feb. 11, 1903, after a long campaign of education, and, as Judge Colliver put it in "Marshall, I was a lawyer then; I am | his address, "early on the morning of that day the voters in the several precincts arose, for once heeding the admonition frequently given, voted early and often, the official returns indicating that those favordepartment entirely. He bowed Mr. Mar- ing a new courthouse were victorious by a

majority of 1,255." The new courthouse will be one of the handsomest in the State and will cost when completed \$150,000. J. W. Gaddis, of Vincennes, is the architect, and Caldwell & Drake, of Columbus, are the builders. The courthouse construction board comprises Phomas D. Brookshire, Samuel Judy and V. B. McCammack, County Commissioners, and James McD. Hays, James L. Randel and George W. Hanna, appointed by the judge of the Circuit Court.

Among the prominent guests in attend-Hon. E. S. Holliday, of Brazil, member of Congress from the Fifth district, and Judge J. B. Wilson, of Bloomington, judge of the Menroe county Circuit Court.

JUDGE COLLIVER'S ADDRESS.

Visitors Welcomed to City and County -Early History Recalled.

By way of introduction Judge Colliver said that on this occasion the people of Putnam county had convened for the first time in the twentieth century for the purpose of witnessing the ceremonies attending the laying of a cornerstone of a new courthouse. "Judging from the stability of the foundation just completed, and considering the fact that we have literally built upon a rock, in conformity with the Scrip-

this century for a like purpose." The judge then welcomed the visitors to the city and county and expressed the satisfaction of the people of the county that the old courthouse, prehistoric in appearance, had given way to a new structure that would be a source of pride to all. A portion of the judge's address was historical in character, taking up the organization of the first Circuit Court in the

tural injunction," said the judge, "I predict

"The credit for building this magnificent structure cannot be justly claimed by any political party. It is the result of the combined efforts of men of every party. It will stand as a suitable and appropriate monument of the wisdom, enterprise and enlightenment of all of the people of this good county. No one having a right to claim a monopoly of the thrift and enterprise which makes its construction possible. "Putnam county has not always been the owner of a courthouse. The first Circuit The postroom will be open for business Court was organised in this county June 2.

programme. The Governor was warmly re- | witnesses, jurors or court officers actively ceived by the large crowd and his speech | engage and participate therein. If each citizen thus actively aiding, assisting and. By way of preface the Governor stated | participating in such trial, performs his whole duty in an honest, upright and intelligent manner, there need be no fear of the occasion and participate in the ceremonies; miscarriage of justice. Where the best cit- mistic generalization based on insufficient incident to the erection of a new court- izens evade jury duty and by such evasion permit others to serve as jurors who by reason of personal habits, ignorance or surroundings are unfit to discharge such service in a creditable and acceptable manner. the resulting conditions are deplorable. "We owe a debt of gratitude to the sturdy

pioneers who exterminated the rattlesnakes and drove the Indian from this fair land of ours. Their fortitude, endurance and efforts made it possible to clear away the whether the citizens of the county wanted | dense forests and drain miasmatic malarial | to know what they want and the energy swamps, which covered almost the entire face of the county, which is now the most productive, desirable and valuable. Since the formation of this county more than eighty years ago vast changes and improvements have been effected. The streams once dangerous to cross have been spanned it had been passed," said the Governor, with bridges and can now be crossed in

George Kirkpatrick and Purnell Chance as field of endeavor ample for the most exaited associate judges. The court, having orpatriotism; that good citizenship begins at ganized, adjourned until court in course, home and that good government is only and convened in regular term on Sept. 2. good citizenship in action, not spasmodic, spectacular action, but every day unobtru-sive effort and example continued from week to week and year to year. AS IT SHOULD BE.

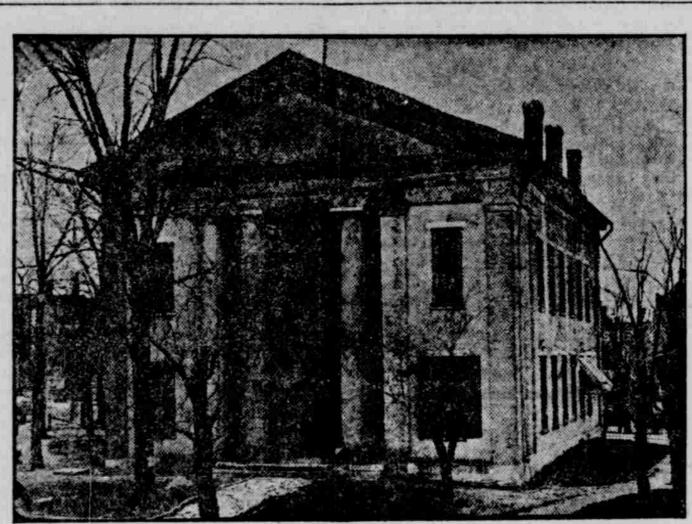
"The truth is that the nearer government comes to us the more closely ought we be concerned in it; ordinarily, with most of us, the process is reversed. We lose ourselves in the enthusiasm of a general campaign; we sometimes contend over questions of national and international polltics, and permit maladministration under our very noses in our excitement concerning something that after all does not vitally affect us. The truth is, my friends, that the county courthouse ought to be quite as great an object of interest to the citizen, quite as constant a center of scrutiny as the Statehouse or the Capitol at Washington; and that good government or bad government will creep up out of the courthouse into the Statehouse, out of the Statenouse into the national Capitol, much more quickly than the process will reverse it-

"We are much concerned at present, and properly so, over the revelation of individual cases of official malfeasance in the national civil service, and there is a disposition in come quarters to assert the theory that what we call 'grafting' in public office has become a national game. The fact is, I take it, that men in public office, local or national, are very much like men in private life; in fact the transition from the one class to the other is so constant that they are to a degree identical. If corruption creeps into the public service, if justice becomes a byword in our courts, there should be something more than punishment for the individual malefactor, there should be criticism and correction of that carelessness and callousness and selfishness on the part of citizenship which breeds every serious evil afflicting the body politic. If we were to begin, not simply in Putnam county, but in every township and city and county throughout the length and breadth of the land, by giving intelligent attention to local affairs, by according that respect and obedience and co-operation to local authority which it deserves and holding it to that strict accountability which is the surest warrant of faithful service, the result would be something more than good local government. It would be to convert into a working principle, accepted among American citizens everywhere, the theory so well expressed by a distinguished statesman of our time in the statement that 'public office is a public trust.' "You remember how the streets of Jerusalem were made immaculately clean. Every man swept the space before his own doorway. Whatever we accomplish in the way of reform in this country will be brought about in the same way. the ushering in of the perfect state we

ernment provided by the founders of this "I am not here for the purpose of seeking to make you or myself uncomfortable on an ocasion so auspicious as this by indiscriminate criticism or lamentation over the state of public affairs. My impression is that the level of virtue in public, as in private life, is higher to-day than it has ever been before. I believe that there is entirely too much denunciation in this country for the country's good; too much pessior unintelligent observation; too much negative patroitism, patriotism that wastes itself in criticism. The man who sits with his feet on a fender studying political economy while persons more practical are engaged in selecting committeemen and naming delegates from his precinct never cuts a particularly heroic figure when he gets into the limelight later on for the purpose of denouncing the wickedness of other persons who at least have the common sense

will require only the machinery of gov-

to go after it. NOT GOOD CITIZENS. "The individual who howls himself hoarse on the street corner advocating the brotherhood of man as a principle of government, and then goes home to kick his children or safety at all times. Mud roads, impassable | quarrel with his neighbors, is not especially



Putnam County's Old Courthouse.

old one would do. Consequently, for years for many months of the year, have been | impressive as an advance agent of the milcorn and wheat, oats, fruits and grasses; where bears, deer and howling wolves once cattle and flocks of imported sheep graze and fatten in security and undisturbed. Log meeting houses have given way to frame and brick church edifices. These contrasts and differences might be produced and continued indefinitely, but it is unnecescary and time forbids. The intelligence and frugality of this people is but a refiection in the mirror of time of the many noble traits and characteristics of their pioneer ancestors, of whom we are all so justly

THE GOVERNOR'S ADDRESS.

Chief Executive Discusses Good Citizenship and Patriotism.

Governor Durbin's address follows: "Fellow Citizens-I am honored and gratified by the generous consideration that has ance at the ceremonies this afternoon were offered me the opportunity to join you to day in the formal inauguration of this enterprise. The undertaking not only gives evidence of the public spirit of the people of Putnam county, but is a manifestation ! soon to be visible in all its beautiful proportions of the irresistible march of progress apparent throughout the length and bredth of our great commonwealth.

"There is a story of an Indianian who, while traveling abroad, fell in with a citizen of Great Britain sufficiently stubborn and obtuse to contend that there were a few things to be said in favor of his country as against the United States. After being overwhelmed in all other particulars by the enthusiastic contentions of his American cousin the Englishman at length exclaimed triumphantly: 'At any rate, my friend, you ruins,' 'My dear sir,' said the Hoosier in a the courthouse at Greencastle?'

"The memories and traditions lingering about the crumbling building which until vesterday stood upon this square, were not enough to save it, since it stood athwart the pathway of grogress, and to-morrow there shall rise here in its stead a massive structure of enduring stone, fair to look upon, a fit temple of justice for the thou-

authority. "A temple of justice. When that phrase s used to describe the structure from withcept our laws, our courts, our liberties themselves as matters of course. They will be necessary to render futile efforts were our heritage; we count not the cost consciously or unconsciously directed to-of them; only now and then are we awak-ened to the fact that the price of their but the thing most essential of all is the maintenance is unceasing care. Least of all realization on the part of every citizen are we given to the realization that the I that his is the obligation and the opportunity to contribute out of a sphere of

proper cultivation have been converted into and order which, if properly punished, garden spots, producing bountiful crops of | would bring him swiftly to the hangman's noose, is hardly the instrument which Providence has selected for the correction of roamed, herds of Shorthorn and Hereford | evils concerning which he utters complaint. I have heard of a man coming in at one door of a courthouse declaiming against the official dishonesty alleged to be responsible for the tax rate and going out of another chuckling over a favorable error on his tax receipt. Yet most of the frenzied assaults upon the existing order-I speak, of course, in a broad and not a partisan sense-most of the generalizations reflecting upon official rectftude-come from persons such as these: men crying from their own dirty doorsteps for the cleansing of the highway. We might be careless concerning all this but for the fact that it cannot go on interminably, and in the absence of agencies tending to the counteraction of such agitation, without affecting that popu- | \$75. lar respect for and attachment to our institutions and our laws which are essential to the perpetuity of our government. "To-day we lay the cornerstone of a public structure destined to be one of the most imposing in the commonwealth. Tomorrow the walls of this great building will begin to rise, stone upon stone, brick upon brick, until the structure has fulfilled the vision of the architect who planned its outlines. A century and a third ago our forefathers laid the cornerstone of a governmental structure more wisely planned than any that had before risen upon earth; they reared the foundations, they left the erection of the superstructure to posterity, to our fathers, to you and to me and to all those uncounted millions yet to be born or to be adopted into the privileges and the responsibilities of American citizenship. Slowly these walls have risen toward a realization of the ideals of the founders. While changed conditions have compelled deviations in detail from the original plan, these have not been out of harmony with the purpose which gave this uilding being. The winds and the floods have beaten against these walls and though at times they have trembled before the violence of the assault, the strain of more than a century leaves them stronger will admit that your country is without to-day than ever before in the history of the Nation. We ought to be something tone of commiseration, have you never seen | more than occupants of this inherited structure; we ought to do something more than accept the shelter it affords; we ought, and we all may, join in rearing to proportions more majestic, strength more enduring, the walls of this, the world's greatest stronghold of free government. "The character of the structure to be reared upon the spot where we now stand upon, a fit temple of justice for the thou-sands of American citizens who shall turn faithfulness and the skill of the individual to it for at least a half century to come as | workmen who will toll here day after their local center of administration and of day, dressing each stone to the proper nicety, rejecting inferior material, if offered, adjusting each brick and each bit of timber to its proper position. The essenin which the laws are locally interpreted | tial character of our governmental strucand executed, it is usually in a flippant or a ture will depend, not so much upon the conventional sense. Yet we would say plans of its great architects, as upon the these words with sincerity and with rever- loyalty with which millions of citizens ence if they were spoken with a proper ap- unite to carry out these purposes. Aspreciation of the rights and the privileges | saults upon this government from withfor which the courthouse stands: We ac- out will never endanger it. Only a consciousness of the character of the attack

NEW SUITS FILED. Superior Court, Room 1. Ovid D. Butler vs. John H. Ruder, trustee, et al.; complaint to quiet title. Supe rior Court, Room 2. HIGHER COURTS' RECORD. SUPREME COURT.

> C. J.-If a cause within the jurisdiction of a justice of the peace is appealed and there is no question presented within Sec-ton 8 of the act of 1901 (acts 1901, p. 566) authorizing the appeal, the cause will be

the broadest freedom for men consistent with the rights of other men. "Again, and in closing, my fellow-citizens of Putnam county, I congratulate you on the inauguration of this public enterprise. Permit me to express the hope that good fortune may attend this public undertaking and that the structure soon to

to explain or contradict it. 4. It is not rise upon this spot may fulfill your high- error to sustain an objection to a question propounded to a jury, when in form it est expectations. Above and beyond all this let us, as we formally commence the has no relevancy to the issues which are being tried. 5. Nor is it error to sustain construction of this courthouse, 'take inan objection to questions, the facts about creased devotion' to that for which it is to stand in this community—the dignity, which they inquire having already been the majesty, the supremacy of the law." gone into and explained by the witness for gone into and explained by the witness for the same side of the case.

-Minutes.-

before Nov. 9. 20008. Wabash Railroad Company vs. George Keister, administrator et al. Warren Circuit Court. Appellant's brief (8) on petition. -New Sults .-

Latter Accused of Tampering with Kothe's Heating Plant to Further His Own Comfort-Court News.

Henry Kothe yesterday filed a \$5,000 damage suit in the Superior Court against Levi S. Pierson for breach of contract and damages to his property.

The complaint recites that the plaintiff and defendant entered into a contract on March 22, 1902, by the terms of which the plaintiff agreed to erect a party wall, a heating plant and a chimney, for which the defendant was to pay nine-twentieths and the plaintiff eleven-twentieths of the cost. The heating plant was located in the basement of Kothe's house. It was further stipulated in the contract that the defendant was not to tap the chimney except on the south side and in the basement.

**NEIGHBORS IN A LAWSUIT** 

HENRY KOTHE CHARGES LEVI

PIERSON WITH BREACH OF FAITH.

thing toward the perms of a political structure w

The plaintiff charges that the defendant entered upon his premises on July 20, 1903, and secretly removed one of the boilers used in the heating plant from the plaintiff's basement into his own basement. The plaintiff further charges Pierson with having tapped the chimney on the north side, and thereby impaired the draught. After the boiler was removed, the complaint al- to mortgage the property described and leges, Pierson made a pretense of repairing States to-morrow morning if every citizen | the wall, but on account of the poor work of this country wakes up willing, and for | Kothe was compelled to repair it to prevent further damage to his property.

> Transcripts Filed in Federal Court. A transcript from the Hancock county Circuit Court of the case of Claude E. Phinney against the Cincinnati, Hamilton & Dayton Railway Company, was filed in the Federal Court yesterday. Phinney was injured while in the employ of the com-

Another transcript from the Marion county Circuit Court was filed yesterday in the Federal Court. The case is that of Rachel Swain against Joseph H. Kerr and Lawrence H. Freeman. The cause of the suit is the claim of the defendants to interest in real estate of the complainant, which is adverse to the rights of the complainants.

Claim for Big Damages.

Louis Bernstein, a citizen of Illinois, has brought suit in the Federal Court against the Indiana Union Tracton Company for injuries received while riding as a passenger on one of the company's cars. On July 30, 1903, Dernstein took passage on the Union Traction line from Muncie to Alexandria. One mile north of Anderson the car on which he was riding collided with another car and Bernstein was thrown from his seat against the corner of another seat and received, it is alleged, permanent injuries. The bill of complaint was filed yesterday. The complainant asks for damages amounting to \$25,000.

Case from Clinton County.

The Appellate Court yesterday affirmed the Clinton Circuit Court in the appeal case of Harry S. Couchman, administrator, vs. Cyrus A. Prather. The appellant's father fell out of his buggy and was killed while on his way home from Thorntown. It was alleged that he was sold liquor at Prather's saloon after he was already intoxicated. His son brought an action for damages, but the court nolds that the administrator in this case cannot claim damages, but that whatever right of action there is on account of his death is in his wife and children.

Two Bankruptcy Petitions. Two voluntary petitions in bankruptcy were filed in the Federal Court yesterday. One was the partnership petition of Eugar C. Hawkins and Fannie Hawkins, under the partnership name of Edgar C. Hawkins & Co., of Kentland, Ind.

THE COURT RECORD.

SUPERIOR COURT. Room 1-John L. McMaster, Judge. Lemon Seward et al. vs. Indianapolisstreet Railway Company et al.; damages. On trial by jury. Thomas Griffith vs Martin Collins; Defendant defaulted. Submitted. Evidence heard. Finding and judgment for

plaintiff for \$80.65 and costs. Room 2-James M. Leathers, Judge. Margaret Bruce vs. Samuel Watters et al.; bond. Submitted to court. Evidence heard. Taken under advisement.

Room 3-Vinson Carter, Judge James B. Harris vs. William P. Stewart; account. Finding and judgment against defendant for \$60 and costs. Philip Efroymson vs. Fred Lohrman to quiet title. Dismissed and costs paid. Jacob Efroymson vs Fred Lohman; quiet title. Dismissed and costs paid. Lewis M. Efroymson vs. Fred Lohrman; to quiet title. Dismissed and costs paid. Joseph W. Selvage vs. Charles C. Kistner; commission. Jury returns verdict for Charles H. P. Barrett vs. Hulda A. Stout:

appeal. On trial by jury. CRIMINAL COURT.

Fremont Alford, Judge. Ollie Erwin; petit larceny. Defendant arraigned and enters a plea of guilty. Evidence heard. Fined #1 and costs and imprisoned in the county jail ten days. James Miznor; embezziement. Défendant withdraws his plea of not guilty and pleads guilty to amount under \$25. Fined \$1 and costs and imprisoned in the county jail thir-

Ollie Erwin; petit larceny. State of Indiana, by prosecuting attorney, files a nolle prosequi as defendant is fined and sentenced in another cause. Jesse Phillips; murder. Defendant withdraws plea or not guilty and enters a plea of gullty to mansiaughter. Age, nineteen Fined \$1 and imprisoned two to twenty-one years in the Woman's Prison. Ruth Collins; drunk. Defendant pleads Ruth Coilins:

prostitute. Defendant pleads not guilty. Jennie Lee; prostitute. Defendant pleads not guilty Jennie Zimpleman; grand larceny. On trial by court. Evidence heard. Finding of guilty. Fined \$1 and imprisoned in the Inilana Women's Prison one to fourteen

vears. Katherine Fredrech vs. Henry Glatzel et al.; complaint to set aside conveyance. Henry Kothe vs. Levi S. Pierson; complaint on contract. Superior Court. Room 3. George J. Marott vs. the Consumers' Gas Trust Company et al.; complaint for receiver and other purposes. Superior Court,

2007. B. & O. S. W. R. R. Co. vs. Har-Jennings C. C. Dismissed. Monks.

20174. Hoover vs. The State, Marion Criminal Court. Affirmed. Dowling, J.-I. Failure to discuss an illegal error in an in-

hopes, answers the prayers and justifies flamed eyes and unnatural manner at sunthe struggles of those who who, in all dry times were the result of mental detimes and in all lands, have contended for rangement and that he never drank intoxicating liquors, the State may inquire into specific acts of his drinking intoxicating liquors for the purpose of rebutting the evidence tending to show him insane. 3. A party who introduces evidence of a particular kind cannot complain if his adversary introduces evidence of the same kind 4431. Moss vs. Sugar Ridge Township. Clay Circuit Court. Transferred to Supreme

> 20202. State of Indiana ex rel. Moses Fowler Chase vs. Joseph M. Rabb, as judge. Appellant's petition to file reply brief extended. Brief to be filed on or

20210. John C. Moss et al. vs. Sugar Ridge township, of Clay county. Clay Circuit Court. Transferred from Appel-20211. School City of Rushville et al. vs. William J. Hayes et al. Rush Circuit Court. Record. Assignment of errors. In term. Bond.

APPELLATE COURT 4479. Pitzele vs. Renping. Lake Superior Court. Affirmed. Robinson, J.—Where nothing appears in the record to the contrary, it will be presumed that leave of court was had to file an amended complaint. 4732. Couchman vs. Prather. Clinton Cir-cuit Court. Affirmed. Henley, J.-1. An administrator of a deceased person cannot maintain an action against a saloon keeper on account of the death of his decedent which was caused by an accident to him by reason of his becoming intoxicated from iquors furnished by the saloon keeper and which he voluntarily drank.

4497. Cabell vs. McKinney. Monroe Circuit Court. Reversed. Comstock, P. J .- 1. In an action in replevin the plaintiff cannot complain of the failure of the jury in not finding the value of the property when it finds that plaintiff is not entitled to recover. 2. Instructions must be construed as a whole and not separately. 3. In an action in replevia, based upon a chattel mortgage where the alleged mortgageor denies the execution of the mortgage as corrected, it is error for the court to sustain an objection to a question, on cross-examination of such party, which asks if at the time the original mortgage was executed she did not intend located in the corrected mortgage, the location of which property was omitted from the original 4728. Nordyke & Marmon vs. Fitzpatrick.

Greene Circuit Court. Certiorari granted and issued. 4941. Dunn vs. City of Bloomington, Lawrence Circuit Court. Dismissed. -Minutes.-

4004. William H. Voris vs. Pittsburg Plate Glass Company et al. Howard Superior Court. Appellee's brief (8.) 4538. The P., C., C. & St. L. Railway Company vs. Joseph A. West. Appellee's additional authorities (8.) 4009. Matilda Neff vs. the Metropolitan Life Isurance Company. Marion Superior Court. Appellee's petition for additional time granted to Nov. 10 4009. Geo. S. Green vs. William McGrew. Huntington Circuit Court. Appellee's peti-

tion for additional time. Granted thirty 4879. Indianapolis Street-railway Company vs. Charles Antropus. Marion Circuit Court. Appellee's petition for addi-tional time. Granted thirty days.

INDIANA BAPTIST UNIVERSITY.

First Anniversary of Its Founding Celebrated at Shiloh Church.

The first anniversary of the founding of the Indiana Baptist University (colored), located on Oak Hill, in the northeastern part of the city, was celebrated at the Shiloh Baptist Church, North West and Walnut streets, last night. An excellent programme was given, consisting of an inof the church and president of the university, music by the university choir, addresses by the Rev. B. F. Farrell, representing the board of trustees of the general association, and the Rev. S. C. Manvel, representing the board of trustees of the Eastern associations; papers by Mrs. Ida Cushinberry and Miss Beatrice James, a solo by Mrs. Rosella Beacham, a plano solo by Mrs. Hattie Davis and a recitation by Miss Mabel Hamilton.

At an educational convention of the Baptist churches held in the Shiloh Baptist Church two years ago last August it was agreed to found a Baptist university for the purpose of educating the colored boys stage, and political reform. Besides, it and girls of this State. A committee was appointed to select a site in this city, and a tract of one and a half acres of ground was bought on Oak Hill, upon which was erected a handsome two-and-a-half-story building containing eight rooms at a cost

The University, which is supported by the General and Eastern associations, which The other petition was that of Leroy represent 200 colored Baptist churches in Reed, a mail carrier, of Lakeville, Ind., this State, opened its doors to students on whose debts amount to \$1,961.20 and assets | Sept. 29, 1902, and thirty-six students were enrolled the first year. Fifteen additional

students have entered this year. in dressmaking at present. It is its purpose theological department will also be intro-duced this year. The faculty consists of the Rev. J. C. Patton, president; Miss Mattie Anderson, normal; William Paschal, languages, and T. Q. Brown, music.

PRAISE FOR MR. LEVERING.

Chicago Newspaper Welcomes Him to the Illinois Metropolis.

In a recent issue of the Chicago Inter Ocean the following item was used: "Mortimer Levering, society man, club-man, financier, of Indianapolis, is going to leave the land of the Hoosier next month and come to Chicago.

"Mr. Levering has been a conspicuous figure in Chicago society and club life for years, and before he went to Indianapolis and was living in Lafayette his Chicago friends saw him on an average of once a week. He was the 'gentleman' manager of the horse show the first year of the present association's exhibit.

"At the horse show last night Mr. Levering remarked that he had decided to make students have been asked for such donathe change next month and would accept the vice presidency of both of the Indiana banks he is connected with. While in Chicago he intends to finance the old Hoxie estate.

EAGLES WANT AN AERIE.

Order in This City Will Erect a \$35,000

A committee appointed by the Indianapolis Aerie of Eagles to select a site for a permanent home for the order has not yet found a suitable piece of property on which to build. The order desires to buy property in the central part of the city, so that it may let part of the building for business purposes to pay its expenses.

It is the intention of the order to pay about \$25,000 for ground, and erect a building upon it at a cost of \$25,000 or \$35,000. The money will be raised by the sale of shares to the members. The plans for the building have not yet been drawn, but the work will probably be commenced early next year. The order in this city has about five hun-dred members, and has a class of about fifty candidates which will be initiated on

MRS. HENDRICKS'S ILLNESS.

She Grows Worse, and It Is Feared She May Not Recover.

Mrs. Eliza C. Hendricks, widow of the late Thomas A. Hendricks, who has been ill for some time, became suddenly worse yesterday and little hope is held out for her recovery. Mrs. Hendricks was taken ill about two weeks ago, but at the time it was not thought she was in a critical condition. She is attended constantly by a trained nurse and her companion. Miss Temple Tompkins, but it is feared she will never recover in spite of the excellent care she receives. She is eighty years old and is one of the most prominent women in the grant to shorten the noon hour for some time. Last year a plan was discussed in which the hour would have been dropped altogether, the students eating their tunch for its about evenly divided on the scheme, with perhaps a slight majority favoring the new plan. After its trial a vote will be taken to decide the first method.



Social Events

of the City, State and Nation

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NEWS OF THE HIGH SCHOOLS.

Shortridge News Notes. The Physics II classes have taken up the

subject of light, having just finished the study of heat. Roscoe Hackney, who is now attending preparatory school for Cornell, has been taken into several of the "frats." He will enter Cornell next year along with his

brother Robert. Garvin Brown, who has been endeavoring to organize a fraternity under a charter from a college organization, has given up the undertaking. The boys that he is persuading to join the organization claim that they had enough with last year's experi-

A miniature postoffice has been enstalled in the secretary's office. It consists of a postoffice mall cabinet, in which all the different teachers' mail is placed, so that vocation by the Rev. J. C. Patton, pastor they may see at a glance whether there is any mail for them by looking in the transparent pigeon-hole.

In the past week the libary has been in-creased by nearly a hundred volumes of historical works, all of which are merely supplemental to other books of the kind. One of the most noteworthy additions is a beautiful set of Fiske's works. Parkman's American History, comprising thirteen volumes, was also presented.

The advanced German classes are making a thorough study of Schiller. The classic that they have now taken up is "Die Harzreise," which gives occasion for the discussion of religious liberty, student life, scholarship, character, philstinism, rationalism, contemporary authors, tendencies of the contains romantic dream pictures, beautiful descriptions and impersonations of nature

and an inexhaustible supply of wit. The Cinch Club, the members of which are graduates of Shortridge, have tried a scheme to start a branch of the club within the school itself. To this end they took in Robert Hackney, who is at present attenuing Shortridge, with the hope that he would organize the separate branch, taking in such boys of the school as he saw fit. The members of this branch would be fullfledged members of the large Cluch Club after they received their diplomas. The university offers courses of study in scheme, however, was not in favor with the normal branches, and also has a class | most of the boys of the school to whom the proposition was made. As a result Robert to include bookkeeping, shorthand and Hackney is now a full-fiedged member of typewriting in its curriculum this year. A the Cinch Club without having graduated.

> The "Indians" are planning several social events for the next few weeks. Harry Nicolii, Fred Dunn, Byron LaFallote and Glen Barry, of last year's organization, have been taken in along with the following: Frank Gregory, Cornelius Holloway, Frank Doudican, Tod Allison and Garvin Brown. The total membership is thirteen. They will give a dance on the thirteenth of November at Brenneke's; will have thirteen dances, one of which will be thirteen minutes in length, and they will start for home at thirteen minutes after eleven. Besides this they will invite thirteen other couples. The club has a fancy for doing everything by thirteens, and if they can think of any other device by which they can make use of the numeral thirteen they will incorpo-

> rate it in their programme. The first social event of the season will be held at Shortridge to-night under the auspices of the Athletic Association. A Halloween supper will be served from o'clock until 8, and a dance will be given from 8 till 11:30. The supper will be served in the south end of the lower hall. The tions as are suitable for a Halloween supper-namely, gingerbread, pumpkin ples and other pastry. Beans will be the foundation of the meal. The admission to the supper and dance will be 25 cents. Yesterday afternoon several boys and girls were busliy engaged preparing jack-o'-lanters and other ornaments that are meant to give the occasion the effect of the genuine "All Saints" day," The art department has for the last week been preparing the dance programmes, which are to be sold for a dime aplece. No punch will be served, as was first announced, but instead the thirsty dancers will have to content themselves with the water that comes out of the mermalds' fountain at the foot of the stairs.

M. T. H. S. Notes.

The Toreador dance was a success in every way. Over sixty couples were pres-

The suits for the school's athletes were ordered yesterday, and soon the boys will be "sporting" in brand new attire. The trial by the senate will be given in about two weeks. At present the attorneys are working out the method to be used. The evidence will probably be based on

something occurring at the school, The June, 1965, class has adopted a novel method of electing officers. Instead of having a regular meeting they are choosing them at the afteen-minute period in the morning. The latest is Nellie Whitsett as

vice president. The younger section of the school will go to the auditorium to-morrow morning at 0 o'clock. The programme of last week will be repeated, including "The Virginian," "The Prince of Pilsen," Hayden's Military Symphony, and "My Own United States." A new plan is to be tried to-day of shortening the lunch period lifteen minutes, thus causing the afternoon recitations to begin at 12 o'clock instead of 12:15. School would then close at 3 o'clock. There have been attempts to shorten the noon hour for some taken to decide the final method.

D